



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2205827

Applicant Name: Chuck Cross for Subway Shop

Address of Proposal: 3410 Stone Way North

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of a 1,500 square foot retail space to a fast food restaurant (Subway Restaurant) in an Industrial Commercial with forty five feet height limit (IC-45) zone. Project will include reconfiguring three existing parking spaces into barrier free parking with a shared access aisle between spaces.

The following approval is required:

Administrative Conditional Use Permit - to allow a fast food restaurant over 750 square feet in an IC-45 zone. (SMC Section 23.50.014.B.)

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Site Description:

The site is currently occupied by marine retail sales and service use in a 5000 sq. ft. building, in which the sale of boat parts and accessories are sold primarily for use on boats and ships. The proposed project is to establish a fast food restaurant (Subway) and change the use of 1500 sq. ft. portion of the existing building from retail sales to a fast food restaurant use. The site is located on the northeast corner of Stone Way N and North 34th Street. The site is zoned Industrial Commercial with a forty five feet height limit (IC-45). There is no alley. According to information submitted by the applicant, the proposal site is located in one of the three lots that is part of a large corner subdivision owned by the Fremont Dock Company. All existing **forty-six** parking spaces are currently available for use by all the three tenants of the entire corner lot. Direct access to the site is available through Stone Way N to the west. Additional access to the site is available through 16.37' easement off North 34th Street. Development in the vicinity is primarily commercial. Abutting the subject site to the east is the City of Seattle Transfer Station and south across from North 34th Street are portions of the Burke industrial complex. Directly opposite the site and west of Stone Way N are several small warehouses, restaurants and retail uses. Abutting the site to the north is a warehouse and retail store with an existing large parking area in the middle of the block separating the building at the opposite ends of the block. The IC-45 zone abuts C2-30 and IB U/30 Zones to the east, C2-30 zone to the south and C1-40 zone to the west.

Proposal Description

The applicant proposes to change 1,500 square feet of the existing boat parts and accessory retail space to a fast food restaurant (Subway Restaurant). The IC-45 zone requires a conditional use permit for fast-food restaurant exceeding 750 square feet. All of the parking on this block including proposed parking for the proposed Subway restaurant would be 46 parking spaces.

Public Comment

The public comment period for this project started on November 14, 2002 and ended on November 27, 2002. No comment letter was received. Subsequently, an email was sent to DCLU expressing opposition to the proposal.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (23.47.006)

A fast food restaurant use in excess of 750 square feet gross floor area, area identified as heavy traffic generators and, where not permitted outright, may be permitted as an administrative conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones (SMC Section 23.50.014B.11). In addition to the development standards for uses permitted outright, SMC 23.50.014.B.11 sets forth the criteria addressing the following: traffic, circulation and parking impacts.

Section 23.50.014B.11

This section contains specific criteria for permitting fast food restaurants. The following includes each code section and a discussion on the project's relation to each criterion:

A. *The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:*

1. *Cause significant additional traffic to circulate through adjacent residential neighborhoods;*

According to the information submitted with the application, access to the site would be available through an existing curb-cut on Stone Way North adjacent to the site and an access easement off North 34th Street to the northeast portion of lot. There are not likely to be traffic or access problems generated by this proposal. Adequate parking and access for all vehicles anticipated to use the proposed restaurant would be provided. No vehicle queuing is expected for the overall development, and the proposed fast food restaurant would not significantly increase the likelihood that vehicles would queue across the sidewalk or onto streets adjacent to the site. Thus, the likely traffic impacts associated with this proposal would be minor and do not warrant mitigation.

No parking impact is anticipated from the proposed use because the expected parking demand would be met on site.

2. *Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts; or*

The subject site is located at a prominent signalized intersection both Stone Way N and N 34th Street are secondary arterial streets. It is anticipated that the predominant pedestrian traffic would come from surrounding businesses. The areas of the intersection and the immediate vicinity are served with sidewalks making the subject site easily accessible from other residences and business uses to the west, south and north of the proposed site.

3. *Create traffic or access problems which will require the expenditure of City funds to mitigate; or*

There are not likely to be traffic or access problems generated by this proposal which would require the expenditure of City funds to mitigate.

4. *Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot; or*

Stone Way N and N 34th Street do not have a designated high occupancy vehicle lane for north-south or east-west lanes. Therefore, this criterion is not applicable to the site.

5. *Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or*

Adequate parking and access for all vehicles anticipated to use the proposed site has been provided on on-site parking areas with fifteen required parking spaces for the fast food restaurant.

6. *Interrupt established retail or service frontage designed to serve pedestrians.*

As there is no established pedestrian-oriented retail or service frontage on the site, this criterion does not apply. Adequate vehicular and pedestrian access to the fast food restaurant site (Subway shop) would be provided.

Section 23.47.006.A contains general criteria for all conditional uses in commercial zones. The following includes criteria listed in the Code section and an analysis of the project's relation to each:

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

Potential odor impacts are not likely to occur with the proposed tenant. Potential noise impacts from parties congregating in the parking lot are not expected to occur on a regular basis, and are likely to be adequately mitigated by compliance with existing codes and ordinances. Nearby residential structures would not be impacted. The proposed fast food use would not likely have an adverse impact on the zone or vicinity in which the property is located.

2. *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

Project approval has been conditioned as identified below to satisfactorily mitigate impacts to other properties in the zone or vicinity, and to protect the public interest.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use permit is **CONDITIONALLY APPROVED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to Final Issuance of Master Use Permit

1. Plans shall be revised to show the location of interior and exterior refuse locations.

2. Provide signs within the restaurant to inform customers of the available off-site parking areas.
3. Show on the site plan designated off-site parking and post signs to direct customers where to find additional parking.

Prior to Issuance of Any Temporary or Final Certificate of Occupancy and For the Life of the Project

The owner(s) and/or responsible party(s) shall:

1. Install and maintain refuse receptacles per plan.

Signature: (signature on file) Date: April 10, 2003
Christopher Ndifon, Land Use Planner
Department of Design, Construction and Land Use
Land Use Division

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